

(3) COOPERATION OF SECRETARY OF DEFENSE.—To the extent practicable and consistent with law, the Secretary of Defense shall provide to the Inspector General any such information or assistance as the Inspector General may request for the purpose of conducting the evaluation required by this subsection.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the congressional defense committees one or more reports the results of the evaluation conducted under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SA 4436. Mr. GRASSLEY (for himself, Mr. SANDERS, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1004. DEFENSE FINANCIAL SYSTEMS COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch the Defense Financial Systems Commission (in this section referred to as the “Commission”).

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) review the financial management systems of the Department of Defense, including policies, procedures, and past and planned investments;

(B) review the spending of the Department on financial management systems, including new investments, operations and maintenance, and legacy systems;

(C) determine which financial management systems of the Department meet the standards described in paragraph (2);

(D) make recommendations to the Secretary of Defense and the secretaries of the military departments with respect to—

(i) which financial management systems need to be replaced or modified, and what new systems are needed, to ensure that the financial management systems of the Department meet the standards described in paragraph (2); and

(ii) improving such systems and related processes to ensure effective internal control and ability to achieve auditable financial statements and meet other financial management and operational needs, including, as appropriate, recommendations for both short-term and long-term actions; and

(E) assess the progress of the Department of Defense in implementing any previous recommendations of the Commission.

(2) STANDARDS DESCRIBED.—A financial management system meets the standards described in this paragraph if the system—

(A) complies with—

(i) the accounting principles, standards, and requirements prescribed under section 3511 of title 31, United States Code;

(ii) the most recent governmentwide financial management plan prepared under section 3512 of that title; and

(iii) guidance and recommendations made by the Comptroller General of the United

States, the Inspector General of the Department of Defense, and other auditors;

(B) addresses the findings of financial statement audits; and

(C) provides reliable, useful, and timely information to support the preparation of auditable financial statements and meet other financial management and operational needs, including, as appropriate, with respect to both short-term and long-term actions.

(3) REPORT REQUIRED.—Not later than March 31 and September 30 of fiscal year 2022 and each fiscal year thereafter, the Commission shall submit to the Secretary of Defense, the secretaries of the military departments, Congress, and the Comptroller General of the United States a report that includes—

(A) the findings of the reviews conducted under subparagraphs (A) and (B) of paragraph (1);

(B) the determinations required by subparagraph (C) of that paragraph;

(C) the recommendations required by subparagraph (D) of paragraph (1);

(D) the results of the assessment required by subparagraph (E) of that paragraph; and

(E) a description of the work the Commission plans to conduct during the six-month period following submission of the report.

(c) COMMISSION MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of three members appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS; REPRESENTATION.—In appointing members of the Commission, the Comptroller General shall include individuals—

(A) knowledgeable of accounting, auditing, financial management, information technology, data science, change management, and the operating environment of the Department of Defense; and

(B) to the extent feasible, who have relevant experience based in—

(i) the Department;

(ii) the Federal Government (other than the Department); and

(iii) the private sector.

(3) TERMS.—

(A) IN GENERAL.—A member of the Commission shall be appointed for a term of 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(ii) MEMBERS APPOINTED TO FILL VACANCIES.—Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(iii) CONTINUATION OF SERVICE TILL SUCCESSOR TAKES OFFICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(4) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—The Comptroller General shall designate a member of the Commission as the Chairperson and a member of the Commission as the Vice Chairperson at the time of their appointment and for that term of appointment.

(B) VACANCIES.—If the member of the Commission designated under subparagraph (A) as the Chairperson or the Vice Chairperson leaves the Commission before the end of the member's term, the Comptroller General may designate another member of the Commission as the Chairperson or the Vice Chairperson for the remainder of the term of that member's term.

(d) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(e) COMPENSATION AND EMPLOYMENT STATUS OF MEMBERS AND STAFF.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(2) TRAVEL EXPENSES.—A member of the Commission may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission, as authorized by the chairperson of the Commission.

(3) FINANCIAL DISCLOSURE REQUIREMENTS.—A member of the Commission shall be considered an employee of Congress whose compensation is disbursed by the Secretary of the Senate for purposes of applying title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), except that a member of the Commission is required to file public financial disclosure reports without regard to their number of days of service or rate of pay.

(4) MEMBERS EMPLOYED BY OTHER AGENCIES.—The employment status and pay of a member of the Commission who is employed by another Federal agency shall not be affected by the service of the member on the Commission.

(5) PAY AND BENEFITS OF STAFF OF COMMISSION.—

(A) IN GENERAL.—Subject to subparagraph (B), an employee of the Commission (other than a member of the Commission) shall, for purposes of pay and employment benefits, rights, and privileges, be treated as an employee of the Senate.

(B) CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), with respect to provisions of law covered by part A of title II of that Act (2 U.S.C. 1311 et seq.)—

(i) an employee of the Commission shall be considered to be an employee of the Senate, as defined in section 3 of that Act (2 U.S.C. 1301); and

(ii) the Commission shall be considered to be the employing office, as defined in that section, for that employee.

(6) NOT TREATED AS EMPLOYEES OF GOVERNMENT ACCOUNTABILITY OFFICE.—Members and employees of the Commission may not be treated as employees of the Government Accountability Office for any purpose.

(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Commission shall hire such staff and engage such experts and consultants knowledgeable of accounting, internal controls, auditing, financial management, information technology, data science, change management, and the operating environment of the Department of Defense, as may be necessary to carry out the duties of the Commission.

(g) POWERS AND AUTHORITIES.—Subject to such review as the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out the duties of the Commission without regard to the provisions of subchapter I of chapter

33 of title 5, United States Code, governing appointments in the competitive service;

(2) seek such assistance and support as may be required in the performance of the duties of the Commission from appropriate Federal and State agencies;

(3) enter into such contracts or make such other arrangements as may be necessary for the conduct of the work of the Commission without regard to the requirements of section 6101 of title 41, United States Code;

(4) make advance, progress, and other payments that relate to the work of the Commission;

(5) provide transportation and subsistence for members, staff, and persons serving without compensation; and

(6) prescribe such rules and regulations as the Commission deems necessary with respect to the internal organization and operation of the Commission.

(h) OBTAINING INFORMATION FROM OTHER FEDERAL AGENCIES.—

(1) REQUESTS FROM COMMISSION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this section.

(2) DEADLINE FOR RESPONSES.—The head of a Federal agency shall, not later than 30 days after receiving a request for information from the Commission under paragraph (1) (unless the Chairperson of the Commission agrees to a different schedule), provide that information to the Commission.

(i) OVERSIGHT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) CONSULTATION WITH GOVERNMENT ACCOUNTABILITY OFFICE.—The Commission shall, not less frequently than once each month, consult with the Comptroller General on the status of its reviews, analysis, findings and recommendations, and related subjects.

(2) ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE TO INFORMATION.—The Comptroller General shall have access to all deliberations, records, data, and personnel of the Commission, immediately upon request.

(3) PERIODIC AUDITS.—The Commission shall be subject to periodic audit by the Comptroller General.

(4) REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE TO CONGRESS.—Not later than 90 days after the Commission submits each report required by subsection (b)(3), the Comptroller General shall submit to Congress a report on the work of the Commission and the implementation by the Department of Defense of the recommendations of the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the Commission.

(k) FUNDING.—

(1) IN GENERAL.—Of amounts appropriated to any entity within the Department of Defense for operation and maintenance for fiscal year 2022 and each fiscal year thereafter until the fiscal year in which the Commission terminates under subsection (l), the Secretary of Defense shall transfer to the Commission an amount determined with the concurrence of the Comptroller General, which may not exceed \$10,000,000, for expenses the Commission determines are necessary to carry out this section.

(2) LACK OF CONCURRENCE.—If the Comptroller General does not concur with the Secretary with respect to the amount to be transferred to the Commission under paragraph (1), the Secretary shall, not later than 5 calendar days after receiving notice that the Comptroller General does not concur, submit to the Commission, the Comptroller General, and Congress a report explaining the reasons for the amount transferred by the Secretary to the Commission. The Com-

mission shall post the report on a publicly available internet website of the Commission.

(3) AVAILABILITY.—Amounts transferred to the Commission under paragraph (1) shall remain available until expended.

(l) SUNSET.—The Commission shall terminate on the earlier of—

(1) the date that is 90 days after the Commission determines and report to Congress that the financial management systems of the Department of Defense are in compliance with the standards described in subsection (b)(2); and

(2) the date that is five years after the date of the enactment of this Act.

SA 4437. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

Section 5323 of title 31, United States Code, as amended by section 6314 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116-283) is amended by striking subsection (b) and inserting the following:

“(b) AWARDS.—

“(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

“(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

“(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

“(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

“(3) SOURCE OF AWARDS.—

“(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the ‘Fund’).

“(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, for—

“(i) the payment of awards to whistleblowers as provided in subsection (b);

“(ii) the funding of education initiatives and administrative expenses; and

“(iii) carrying out the provisions of this subsection.

“(4) DEPOSITS AND CREDITS.—

“(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

“(i) any monetary sanction collected by the Secretary or Attorney General in any ju-

dicial or administrative action under this title unless the balance of the Fund at the time the monetary judgement is collected exceeds \$300,000,000; and

“(ii) all income from investments made under paragraph (5).

“(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

“(5) INVESTMENTS.—

“(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

“(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

“(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.”.

SA 4438. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . RESTRICTIONS ON CONFUCIUS INSTITUTES.

(a) DEFINITION.—In this section, the term “Confucius Institute” means a cultural institute directly or indirectly funded by the Government of the People’s Republic of China.

(b) RESTRICTIONS ON CONFUCIUS INSTITUTES.—An institution of higher education or other postsecondary educational institution (referred to in this section as an “institution”) shall not be eligible to receive Federal funds from the Department of Education (except funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or other Department of Education funds that are provided directly to students) unless the institution ensures that any contract or agreement between the institution and a Confucius Institute includes clear provisions that—

(1) protect academic freedom at the institution;

(2) prohibit the application of any foreign law on any campus of the institution; and

(3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.

SA 4439. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to